

Message Text

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C O N F I D E N T I A L USUN 0153

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SUBJ: CONVENTION ON TAKING OF HOSTAGES

1. FRG CONVENED MEETING OF WEOG PLUS JAPAN TO HOLD
DISCUSSION OF MOST POLITICALLY SENSITIVE ASPECTS OF
HOSTAGES CONVENTION.

2. DISCUSSION CENTERED ON FOLLOWING INFORMAL FRG
SUGGESTION FOR REDRAFTING ARTICLE 10 OF EXISTING FRG
DRAFT WHICH THEY SAID THEY WOULD NOT SHOW TO OTHERS
BUT WHICH MIGHT BE REGARDED AS A POSSIBLE FINAL COMPRO-
MISE RESULT OF INFORMAL NEGOTIATIONS: QTE INsofar
AS THE GENEVA CONVENTIONS OF 12 AUGUST 1949 FOR THE
PROTECTION OF WAR VICTIMS OR THE ADDITIONAL PROTOCOLS
OF 10 JUNE 1977 TO THOSE CONVENTIONS ARE APPLICABLE THE
PRESENT CONVENTION SHALL NOT APPLY TO ACTS COMMITTED
IN THE COURSE OF ARMED CONFLICTS, INCLUDING CONFLICTS
IN WHICH PEOPLES ARE FIGHTING AGAINST COLONIAL DOMINATION
AND FOREIGN OCCUPATION AND AGAINST RACIST REGIMES IN
THE EXERCISE OF THE RIGHT OF PEOPLES TO SELF-DETER-
MINATION IN ACCORDANCE WITH THE CHARTER OF THE UNITED
NATIONS. FURTHERMORE THE PRESENT CONVENTION SHALL NOT
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APPLY TO THE EXTENT THAT THE CONVENTION OF 16 DECEMBER
1970 FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIR-
CRAFT, THE CONVENTION OF 23 SEPTEMBER 1971 FOR THE
SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF
CIVIL AVIATION AND THE CONVENTION OF 14 DECEMBER 1973
ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST
INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC

AGENTS, ARE APPLICABLE. UNQTE

3. FRG REPRESENTATIVES SAID THIS TEXT MEANT THAT WHERE STATES INVOLVED WERE PARTIES TO BOTH GENEVA CONVENTIONS AND PROTOCOLS ON ONE HAND AND HOSTAGES CONVENTION ON THE OTHER, FORMER WOULD PREEMPT LATTER TO EXTENT PROVISIONS WERE OVERLAPPING.

4. MISOFF AND HOFSTEE (NETHERLANDS) QUERIED EXTENT TO WHICH LANGUAGE AS DRAFTED CLEARLY MEANT WHAT FRG THOUGHT IT MEANT. MISOFF AND DIXON (CANADA) EXPRESSED POSSIBLE PRESENTATIONAL POLITICAL PROBLEMS WITH PART OF TEXT FROM QTE INCLUDING CONFLICTS IN WHICH UNQTE TO QTE IN ACCORDANCE WITH THE UN UNQTE. HOFSTEE SAID INCLUSION OF REFERENCE TO PROTOCOL II OF 1977 ALSO WOULD CONCERN NETHERLANDS IF THERE WERE ANY POSSIBILITY IT COULD BE THOUGHT TO PREEMPT ACTION UNDER HOSTAGES CONVENTION.

5. SCHIRNDING (FRG) INDICATED RECOGNITION OF THE PRESENTATIONAL AND POLITICAL PROBLEMS AND AGREED MORE THOUGHT WOULD ALSO NEED TO BE GIVEN TO THE DRAFTING. HE ASKED WHETHER OTHERS COULD ACCEPT CONCEPT AS DESCRIBED PARA 3 ABOVE. MOST PRESENT INDICATED THAT RESULT DESCRIBED PARA 3 ABOVE WOULD BE ACCEPTABLE. MISOFF INDICATED IT MIGHT BE ACCEPTABLE FINAL RESULT BUT NOT SOMETHING ANY OF US COULD URGE AND NOT SOME-
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THING WE WOULD WISH TO GO BEYOND.

6. OTHER POINT FRG RAISED WAS INCLUSION OF LANGUAGE ASSERTING QTE STATES SHALL NOT RESORT TO THREAT OR USE OF FORCE AGAINST THE TERRITORIAL OR POLITICAL INTEGRITY OF STATES AS A MEANS OF RESCUING HOSTAGES UNQTE.

7. MISOFF, JAPANESE, DUTCH AND UK REPS INDICATED UNACCEPTABILITY OF SUCH A FORMULATION. THERE WAS THEN SOME DISCUSSION OF A PURE SAFEGUARDS CLAUSE APPROACH TO EFFECT THAT NOTHING IN THIS CONVENTION EXPANDS OR CONTRACTS THE PROHIBITION ON THE THREAT OR USE OF FORCE. IT WIDELY RECOGNIZED THAT IF SOMETHING NECESSARY ON THIS POINT SAFEGUARDS CLAUSE MORE ACCEPTABLE APPROACH.

8. CONCLUSION OF DISCUSSION WAS THAT WE WOULD ALL REFLECT FURTHER ON THESE KEY POLITICAL ISSUES AND MEET AGAIN IN GENEVA AT OPENING OF SESSION.

9. GROUP AGREED THAT MEETING JANUARY 18 WITH LARGER GROUP OF SUPPORTERS SHOULD IF POSSIBLE AVOID EXTENSIVE DISCUSSION OF MORE SENSITIVE POLITICAL

ISSUES AND CONCENTRATE ON TECHNICAL POINTS AND PRO-
CEDURAL QUESTIONS.
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